

GAHC030003982024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/2/2024

Sh. Doymoy Daveng Chakma and Anr.
S/o Bhadra Sen Chakma
R/o H.No.67, Devasora North, BRTF Road, District-Lawngtlai, Mizoram-796891
2: Sh. Rustom Chakma
S/o Dhana Ram Chakma

R/o H.No.8
Boronasury
District-Lawngtlai
Mizoram-79677

VERSUS

State of Mizoram and 9 Ors.
R/b Chief Secretary, Govt. of Mizoram, Aizawl-796001 2:The Secretary
Govt. of Mizoram
Dept. of Parliamentary Affairs
Aizawl-796001

3:The Secretary
Govt. of Mizoram
Dept. of District Council and Minority Affairs
Aizawl-796001

4:The Secretary
Law and Judicial Dept.
Govt. of Mizoram
Aizawl-796001

5:The Speaker
Mizoram Legislative Assembly
Speaker Bungalow
Tuikhuahtlang
Aizawl

Mizoram - 796001

6:The Election Commission of India r/b the Chief Election Commissioner
Nirvachan Sadan
Ashoka Road
New Delhi-110001

7:The Chief Executive Member
Chakma Autonomous District Council
Kamalanagar
Chawngte
District-Lawngtlai
Mizoram-796770

8:The Chairman
Chakma Autonomous District Council
Kamalanagar
Chawngte
District-Lawngtlai
Mizoram-796770

9:The State Election Commission r/b Chief Electoral Officer
Mizoram
Aizawl-796001

10:Sh. Rasik Mohan Chakma
MLA
36-Tuichawng Assembly Constituency
MLA House
Aizawl-79600

BEFORE

HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

HONOURABLE MR. JUSTICE PRANJAL DAS

Advocate for the Petitioners : 1. Mr. B. Chakma, Advocate .
2. Mr. S. Borgohain, Advocate.

Advocate for the respondents : 1. Mr. A.R. Malhotra, for respondent No. 10.
2. Mrs. Linda L. Fambawl, Addl. Advocate General

for respondent Nos. 6 & 9.

3. Ms. Lalnunhlui, Govt. Advocate for respondent
Nos. 1-5.

4. Ms. Juliana Lalhmangaihi

5. Mr. C. Tlanthianghlina

6. Ms. H.C. Debora Lalnunziri

7. Ms. Vanlalthlamuani

8. Ms. FabyLalrinnungi

Date on which judgment is reserved : **22.01.2026**

Date of pronouncement of judgment : **04.02.2026**

Whether the pronouncement is of the : N/A

operative part of the judgment ?

Whether the full judgment has been : Yes.

pronounced?

JUDGMENT AND ORDER (CAV)

(Michael Zothankhuma,J)

1. Heard Mr. S. Borgohainand Mr. B. Chakma, learned counsel for the petitioners. Also heard Mrs. Linda L. Fambawl, learned counsel for the respondent nos. 5, 6 & 9, Ms. Lalnunhlui, learned counsel for the respondent nos. 1 to 5 and Mr. A.R. Malhotra, learned counsel for respondent No. 10. No one appears for the respondent nos. 7 & 8.

2. This is a Public Interest Litigation challenging the Constitutional validity of

Rule 4 of the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules 2003, hereinafter referred to as 2003 Amendment Act, by which the bar on a person from being a member of District Council and the State Legislative Assembly simultaneously, has been removed.

3. The case of the petitioner is that the respondent No. 10 is the Chairman of the Chief Executive Member (CEM) of the Chakma Autonomous District Council (hereinafter referred to as 'CADC') and he is also a member of the State Legislative Assembly from 36-Tuichawng Assembly Constituency simultaneously. Article 101(2) of the Constitution of India provides that no person shall be a member of both the Parliament and of a House of the Legislature of a State. Similarly, Article 190 of the Constitution provides that no person shall be a member of both Houses of the Legislature of a State or a member of the Legislature of two or more States. The learned counsel further submits that as the spirit of Article 101 and Article 190 of the Constitution of India does not permit a person to be a member of the District Council and the State Legislative Assembly simultaneously, and thus the doing away with Rule 11 of the Chakma Autonomous District Council (Constitution, Conduct of Business, etc) Rules, 2002, hereinafter referred to as "2002 Act", which prohibited a member of the District Council from being a member of the Legislative Assembly vide the 2003 Amendment Rules, was unconstitutional. As such, the Amended Rule 11 by way of the 2003 Amendment Rules, should be struck down.

4. The learned counsel for the petitioners submits that in exercise of the powers conferred by Clause 2 of Article 101 & Clause 2 of Article 190 of the Constitution of India, the President was pleased to make the "Prohibition of Simultaneous Membership Rules, 1950." The above Rules prohibited a person from being a member of both the Parliament and a House of the Legislature of a State simultaneously. Thus, by applying the spirit of Article 101 and 190 of the Constitution alongwiththe "Prohibition of the Simultaneous Membership Rules, 1950", to the case of the respondent No. 10, the Amended Rule 11 of the "2003 Amendment Rules" was unconstitutional and ought to be set aside.

5. Mr. A.R. Malhotra, learned counsel for respondent No. 10 on the other hand, submits that on a representation being filed by the petitioner No. 1 to the Governor of Mizoram, seeking disqualification of the respondent No. 10 from being a member of the 36thTuichawng Assembly Constituency on the ground that he could not be a member of the CADC and the Legislative Assembly simultaneously in terms of Rule 11 (1) of the CADC (CCB) Rules, 2002 ('2002 Rules'), the Governor sought the view of the Law and Judicial Department, Govt. of Mizoram. The Law and Judicial Department observed that the respondent No. 10 could be disqualified from being a member of the Legislative Assembly, in terms of Clause 1 (a) of Article 191 of the Constitution of India. The opinion of the Election Commission of India was thereafter sought for, by the Governor under Article 192(2). The Election Commission of India, vide Letter

dated 27.04.2024, returned the reference to the Governor, with its opinion that the respondent No. 10 had not incurred disqualification under Article 191(1) (a) of the Constitution of India, in view of the judgment of the Division Bench of the Gauhati High Court in the case of ***Hiphei & Ors. Vs. The State of Mizoram & Ors.*** In WP(C) No. 6024/2013.

6. The Governor of Mizoram thereafter, in exercise of the power of Article 192(1) of the Constitution of India, held that the respondent No. 10 was not disqualified from being a member of the Mizoram Legislative Assembly.

7. The counsel for the respondent No. 10 submits that no challenge has been made by the petitioners to the decision of the Election Commission of India, made in the Letter dated 27.04.2024 and neither has the Order dated 17.05.2024 issued by the Governor, been put to challenge. He accordingly submits that the absence of any challenge being made to the findings and decision of the Election Commission of India and the final decision of the Governor, the writ petition ought to be dismissed.

8. Mrs. Linda L. Fambawl, learned counsel for Election Commission of India submits that para No. 7 of the Reference Case No. 1 (G) of 2024 issued by the Election Commission of India, vide letter dated 26.04.2024, has clearly stated that membership to the Autonomous District Council is not a ground for disqualification of a member of the Legislative Assembly and that Article 101

and 190 of Constitution of India only bars simultaneous membership to both the houses of the Parliament, both houses of the State Legislature, as well as simultaneous membership to the Parliament as well as the State Legislature. She submits that there is no express bar in the Constitution or in the 6th Schedule to the Constitution for a person for being a member of the District Council and the State Legislative Assembly. She further submits that there has been a conscious decision in removing the bar from being a member of the District Council and the State Legislative Assembly simultaneously, by way of the Amended Rule 11 of the 2002 Rules by the 2003 Amendment Rules. When there is no bar in the Constitution, for a person to be a member of the District Council and the State Legislative Assembly simultaneously, there is no question of violation of Article 14 of the Constitution. She accordingly submits that the writ petition should be dismissed.

9. Ms. Lalnunhlui, learned Govt. Advocate for the State respondent Nos. 1 – 4, submits that if any question arises whether a member of the District Council has become subject to any disqualification in terms of the 2002 Rules or the 2003 Amended Rules, the same is to be referred to the Governor by the Chairman of the District Council under Sub-Rule No. 2 and 3 of Rule 13 of the 2002 Rules, whose decision is final. The Governor may, in his discretion before taking a decision on the issue, take the advice of the Advocate General of the State.

10. Learned counsel for the respondent nos. 1 to 4 submits that the

6thSchedule of the Constitution of India is absolutely silent on the issue of dual membership. There is no provision in the 6thSchedule which bars a member of an ADC to get elected as a member of the Legislative Assembly and hold both the offices simultaneously; neither the 6thSchedule lays down any bar on dual membership. In fact, the Sixth Schedule is silent on this issue. Article 101 (1) and 101 (2) of the Constitution lays an express bar on dual membership (both houses of Parliament or Member of Parliament and State Legislature). Dual membership is therefore not the spirit of our Constitution. As such, Courts should discourage dual membership even if the issue pertains to holding the offices of ADC and State Legislature as its members simultaneously. As such, it is for the Courts to uphold the spirit of our Constitution (Articles 101 and 190).

11. The learned counsel for the respondent nos. 1 to 4 further submits that the core issue in *Hiphei* Judgment is whether or not a person who is a member of a District Council can contest Assembly elections without resigning. It has got nothing to do with dual membership and neither has the Division Bench of this Court decided on the question of dual membership in the case of ***Hiphei & Ors.(supra)***. In fact, the petitioners therein resigned as members of the District Council, after being elected as members of the State Legislature. She submits that the 6th Schedule areas are distinct from the other areas of Mizoram and the District Councils are not meant to function as extensions of the State Legislature. There could be conflict of interest and divided loyalties if dual

membership was allowed.

12. We have heard the learned counsels for the parties.

13. The issue to be decided as to whether there is any bar for a member of the CADC from also being a member of the Mizoram State Legislative Assembly simultaneously, in terms of the 2002 Rules, as amendable by the 2003 Amendment Rules. A further question to be decided is whether the express bar provided in Article 101 and 190 of the Constitution, prohibiting a person from being a member of the State Legislature and being a member of the Parliament can extend to the facts of the present case under the 6th Schedule to the Constitution.

14. Article 101, 190 and 191 of the Constitution of India states as follows:-

*“**101. Vacation of seats.**(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.*

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State, and if a person is chosen a member both of Parliament and of a House of the Legislature of a State, then, at the expiration of such period as may be specified in rules made by the President, that person’s seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

(a) becomes subject to any of the disqualifications mentioned in clause (1) or

clause (2) of article 102, or

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant:

[Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.]

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

190. Vacation of seats.-*(1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.*

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

(3) If a member of a House of the Legislature of a State-

(a) becomes subject to any of the disqualifications mentioned in [clause (1) or clause (2) of article 191]; or

[(b) resigns his seat by writing under his hand addressed to the Speaker or the

Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be,] his seat shall thereupon become vacant:

[Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Speaker or the Chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.]

(4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

191. Disqualifications for membership-

(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State

(a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

[Explanation.- For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union

or for such State.

[(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.]”

15. For understanding the issue more clearly, a little bit of history is required to be stated here to put things in the right perspective. Schedule 4 of the Mizoram Union Territory Legislative Members’ (Removal of Disqualification) Act,1975, hereinafter referred to as the “1975 (Removal of Disqualification) Act,” provided that the office of the Chief Executive member, Executive member, Vice Chairman, all members of any Autonomous District Council and the President, Vice President, all members of any Village Council constituted in Mizoram under any existing law or regulation, shall not be treated as a disqualification for being chosen as a and for being a member of the Mizoram Legislative Assembly.

16. By way of an amendment, i.e.,“the Mizoram State Legislative Members (Removal of Disqualification)(Amendment) Act, 2006”,hereinafter referred to as the “2006 Amendment Act”, the 4th Schedule of the 1975 (Removal of Disqualification) Act stood deleted, thereby,barring an existing Chief Executive Member of a District Council and the persons mentioned in the 4th Schedule from being allowed to contest,for being a member of the State Legislative Assembly. The same was put to challenge by Mr. Hiphei, the Chairman of the Mara Autonomous District Council, and the 2 Chief Executive Members of the Lai Autonomous District Council and Chakma Autonomous District Council in the

year 2013, vide WP(C) No. 6025/2013, as they were barred from contesting the elections to the Mizoram Legislative Assembly, in terms of the amended 4th Schedule of the Mizoram Union Territory Legislative members (Removal of Disqualification) (Amendment) Act, 2006. The stand of Mr. Hiphei & others was that the Chairman/Chief Executive Members were not holding "Office of Profit."

17. The Division Bench of the Gauhati High Court disposed of the challenge made in WP(C) No. 6025/2013 vide Judgment dated 06.11.2023, as cited in the case of ***Hiphei & Others Vs. The State of Mizoram & Others***, reported in ***2013 SCC Online 753***. The Division Bench of this Court in ***Hiphei & Others (Supra)***, held that as the Chairman and Chief Executive Members of the 3 (three) Autonomous District Councils were not holding "office of profit" under the State or Central Government, the said writ petitioners were entitled to contest the ensuing elections to the Mizoram State Legislative Assembly.

18. Paragraph 10 and 14 of the Division Bench Judgment in ***Hiphei & Others (Supra)*** states as follows :-

"10. In the instant case, it is nobody's case that the petitioners are holders of Office of Profit being conferred by the Government by appointing them as members of the District Council and thereafter as Chairman and Chief Executive Member. Both the positions earned by them are by virtue of elections, firstly, as member of the District Council and secondly as Chairman and Chief Executive Member. Thus, the answer to the basic question is in the negative. They have neither been appointed by the Government nor are removable from their offices by any intervention of the Government. If that be so, they having passed the basic test irrespective of deletion of

clause-4 of the schedule to the Act of 1975, in our considered view, they are entitled to contest the election even without resigning from their present office as Member and Chairman/Chief Executive Member of the respective District Councils.

14. As specifically pleaded in the writ petition, the Rules for constitution and conduct of business of the District Council mandates that the Government has nothing to do in the election of its Members. Moreover, being an elected Office, the Government has no power to remove the returned candidate of the District Council from its office nor the District Council Rules provide such powers to the Government. Looking at the matter from that point of view, the impugned amendment, if read in the context of debarment of the petitioners from contesting the Assembly Election, would be violative of Article 191(1) (a) of the Constitution of India."

19. While disposing of the case of ***Hiphei & Others (supra)***, the Division Bench was informed that Rule 11 of the Lai Autonomous District Council (Constitution and Conduct of Business) Rules, 2001 provided that, subject to the provisions contained in any law made under Article 191 of the Constitution of India, no person shall be or continue to be simultaneously a Member of the District Council of two or more Autonomous District Councils or a Member of the District Council and of the Mizoram Legislative Assembly. Thus, at the time of disposal of ***Hiphei & Others (supra)***, there was a bar on a member of the Lai District Council from being a member of the Mizoram Legislative Assembly simultaneously. However, the bar provided in respect of the Lai Autonomous District Council members, was missing in the Autonomous District Council Rules applicable for the Chakma and Mara Autonomous District Councils, at the time of disposal of ***Hiphei & Others (supra)***.

20. The present case involves the Chakma Autonomous District Council, wherein the bar to be a member of the District Council and the Legislative Assembly simultaneously has been done away with, vide the 2003 Rules.

21. In the case of ***Pu Myllai Hlychho and Others vs. State of Mizoram and Others***, reported in ***(2005) 2 SCC 92***, the Supreme Court held that the 6th Schedule to the Constitution is a part of the Constitution and cannot be interpreted by forgetting the other provisions in the Constitution. It further held that it is impossible to visualize complete segregation of the 6th Schedule from the rest of the Constitution.

22. Though the learned counsel for the petitioners has tried to take support from the observation of the Supreme Court in the above case of ***Pu Myllai Hlychho and Others (supra)***, as stated above, to say that the spirit of Article 101 and 190 would bar a member of the District Council from being a member of the State Legislative Assembly simultaneously, we are of the view that if the framers of the Constitution wanted to make such a bar, as has been done in Article 101 and 190, the same would have been expressly stated in the 6th Schedule. However, it appears that in their wisdom, the framers of the Constitution and the Parliament have consciously kept silent with regard to non-permissibility of dual membership of the District Council and the State Legislative Assembly simultaneously.

23. Article 101 of the Constitution prohibits a person from being a member of both houses of Parliament or from being a member of Parliament and a member of the Legislature of a State simultaneously. Similarly, Article 190 of the Constitution prohibits a person from being a member of both Houses of the Legislature of a State or being a member of the Legislatures of two or more States. However, there is no such express bar in the 6th Schedule, prohibiting a member of the Chakma District Council being a member of the Mizoram State Legislative Assembly. Further, paragraph 2 of the 6th Schedule, which provides for the Constitution of District Council and the federal councils, states at sub-para 6A, that the elected members of the District Council shall hold office for a term of 5 (five) years from the date appointed for the first meeting of the council after the General Elections of the Councils, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor. There is nothing in the 6th Schedule which bars a member of the District Council from being a member of the State Legislature. Thus, there is a very clear difference in the provisions of Article 101 and 190 *vis-à-vis* the contents of the 6th Schedule. When there is no express bar in the 6th Schedule for a member of the District Council, from also being a member of the State Assembly, it would not be permissible for us to put words in a statute which is non-existent. When there is no bar for a member of the District Council to participate/contest in the State Legislative Assembly elections, there can be no bar for the said District Council member from also being a member of the

State Legislature. It is well settled that the Court cannot add words to a statute or read words into it which are not there, especially when the literal reading produces an intelligible result. This has been clearly held in the case of ***Phool Patti Vs. Ram Singh, (2009) 13 SCC 22*** and in the case of ***Shahabuddin Vs. State of Bihar, (2010) 4 SCC 653***. In any event, in the present case there is no provision in the 6th schedule to the Constitution or in the 2003 Rules or any Rule applicable to the Chakma Autonomous District Council ('CADC' in short) requiring interpretation, as to whether there is a bar for a member of the District Council from also being a member of the Mizoram Legislative Assembly. We also cannot extrapolate the intent or the spirit of Article 101 and 190 into the 6th Schedule, in the absence of any enabling provision or Rule. Further, there has been a conscious decision on the part of the District Council to amend Clause 11 of the 2002 Rules by way of 2003 Amendment Rules.

24. On considering the submissions made by the counsels for the parties, which is basically to the effect that dual membership would result in concentration of legislative and administrative influence over two separate domains, which could result in conflict of interest, it is to be remembered that the Court has not been given the power to legislate over the legislation already made by the respondents. The only thing we need to see is the vires of the Amendment Rules and whether it is in violation of the Constitution. The reasons for the amendment made in terms of the 2003 Amendment Rules have not been

provided to us. Though it is possible to speculate that in the interest of legislation and administration, it may not be desirable for a member of the District Council to also be a member of the State Legislature, so that the said person can concentrate on the business of being a member of one House/Legislature, the said issue would have to be debated upon and a policy decision would have to be undertaken by the rule making authority in this regard. Though it might be best that a member of a District Council should not be allowed to be a member of the State Legislature simultaneously, there being no express bar in the 6th Schedule or the relevant Rules, we find no ground to set aside the amended Rule 11 of the 2003 Amendment Rules, inasmuch as, an ideal situation or the spirit of Article 101 and 190 of the Constitution or the spirit of the "Prohibition of Simultaneous Membership Rules, 1950", cannot be a ground to allow the PIL. Further, in view of the Chakma Autonomous District Council not being made a party to the case, there is no one to inform us, as to the reason why the provision barring dual membership of the District Council and the Legislative Assembly has been done away with. We are also of the view that in view of the non-impleadment of necessary party i.e. Chakma Autonomous District Council to the case, the present case also suffers from non-joinder of necessary party.

25. In the case of *State of A.P. Vs. Mcdowell and Company Ltd.* [(1996) 3 SCC 709], the Supreme Court has held that the law made by the Parliament and the State

Legislature can be struck down by the Courts on two grounds alone –(1) lack of legislative competence and (2) violation of any of the fundamental rights guaranteed in Part-III of the Constitution or of any other constitutional provision. It held that there is no third ground and no enactment can be struck down by just saying that it is arbitrary or unreasonable or on the ground that the Court thinks it is unjustified. Parliament and the Legislatures are composed of representatives of the people, who are supposed to know and be aware of the needs of the people and what is good or bad for them. The Court cannot sit in judgement over their wisdom.

In the present case, the legislative competence of the Chakma Autonomous District Council in amending the 2002 Rules by the 2003 Rules is not in question and there is nothing to show that there has been violation of any of the provisions of the Constitution by the amendment made in terms of the 2003 Rules.

26. The above being said, para 7 of the opinion of the Election Commission of India made in reference Case No. 1 (G) of 2024, which rejects the case of the petitioners, is reproduced herein below, as follows:-

*“The issue raised in the present reference is two-fold. **Firstly**, whether the Respondent who is a Member of the Mizoram Legislative Assembly and Chakma Autonomous District Council (CADC) constitutes violation of the constitutional principle laid down in Article 101 and 190 of the Constitution which prohibits dual membership of Houses. In this regard, it is stated that the Commission can provide an opinion on grounds of disqualification of a Member of Legislative Assembly as laid down in Article 191 (1) of the Constitution of India. The membership of a local body such as that of Autonomous District Council is not a ground for disqualification of a member of legislative assembly. Further, Article 101 and 190 of the Constitution bars simultaneous membership of both Houses of Parliament, simultaneous membership of both Houses of the State Legislature as well as simultaneous membership of*

Parliament as well as State Legislature. Thus, there is no express bar on holding simultaneous membership of the State Legislative Assembly as well as the Autonomous District Councils. Furthermore, as stated in the reference itself, Rule 11 of CADC (CCB) Rules, 2002, after its amendment in the year 2003, no longer prohibits simultaneous membership to the District Council as well as State Assembly/Parliament."

27. The decision of the Governor of Mizoram, in exercise of the powers of Article 190 of the Constitution, made vide Order dated 07.05.2024 and the letter dated 26.04.2024 issued by the Election Commission of India has also not been put to challenge by the petitioners.

28. We are also of the view that the opinion of the Election Commission of India and the final decision of the Governor leads to a fresh cause of action which should have been put to challenge. The same has however not been done.

29. In view of the reasons stated above, we do not find any ground to set aside Rule 4 of the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003.

30. The PIL is accordingly dismissed.

JUDGE

JUDGE

Comparing Assistant